

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

The J. Edward Kloian Foundation,

Plaintiff,

v.

Case No. 13-13684

Fred S. Findling, *et al.*,

Sean F. Cox

United States District Court Judge

Defendants.

ORDER
DENYING MOTION FOR RECONSIDERATION (D.E. NO. 34)

This action stems from a lengthy dispute over legal fees. In an Opinion & Order issued on December 30, 2013, this Court dismissed all of Plaintiff's claims because the Court lacks subject matter jurisdiction over them under the *Roquer-Feldman* doctrine. (D.E. No. 32).

The Court also denied a motion, brought pursuant to Fed. R. Civ. P. 11, filed by the Findling Defendants because: 1) their motion failed to establish that they complied with Rule 11's "safe harbor" provision; and 2) the Court concluded that an award was not warranted, given that their Motion to Dismiss relied on the motion filed by the Washtenaw County Defendants and, as a result, they did not incur significant attorney fees in defending in this action.

On January 9, 2014, the Findling Defendants filed a motion asking this Court to reconsider that ruling. (D.E. No. 34). The Findling Defendants assert that they complied with the safe harbor provision, but that their "safe harbor letters" were "inadvertently not attached" to their Rule 11 motion. They also assert that "though limited attorney fees were incurred" in the preparation of their motion, they did incur some fees in preparing the motion and appearing

before the Court.

The Court hereby DENIES this motion because the Court continues to conclude that an award under Rule 11 is not warranted as to the Findling Defendants.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: January 22, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 22, 2014, by electronic and/or ordinary mail.

S/Jennifer McCoy

Case Manager